



Pillsbury  
Winthrop  
Shaw  
Pittman<sup>LLP</sup>

Financial Centre  
895 East Main Street  
P. O. Box 6760  
Stamford, CT 06904-6760  
Tel 203.348.2300 | Fax 203.965.8226  
www.pillsburylaw.com

RECEIVED  
CENTRAL FAX CENTER

APR 08 2005

# **FACSIMILE**

Total Pages (Including cover): **26**

HOUSTON  
LONDON  
LOS ANGELES  
NEW YORK  
NORTHERN VIRGINIA  
ORANGE COUNTY  
SACRAMENTO  
SAN DIEGO  
SAN FRANCISCO  
SILICON VALLEY  
SINGAPORE  
STAMFORD  
SYDNEY  
TOKYO  
WASHINGTON DC

Date: April 8, 2005  
To: Group Art Unit: 1616  
Company: U.S. Patent and Trademark Office

Must Be Sent By: **571-273-8300**  
Fax No: ~~571-273-8300~~  
or **703-872-9306**  
Phone No:

Confirm: Confirmed By:

From: Hans-Peter G. Hoffmann Phone No: (203) 348-2300  
User No: 15504 C/M No: BMS-PH-70048(A)(C)-210830-0307270

Comments:

**Re: U.S. Patent Application No. 10/734,031**

Please acknowledge safe receipt of this facsimile.

Sincerely,

Hans-Peter G. Hoffmann  
Reg. No. 37,352  
Patent Agent  
Pillsbury Winthrop LLP  
Customer No. 00909  
Tel: 203-965-8271  
Facsimile: 203-965-8226  
e-mail: [peter.hoffmann@pillsburylaw.com](mailto:peter.hoffmann@pillsburylaw.com)

Confidentiality Note:  
The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

## **Enclosures**

If you have not properly received this fax, please call (203) 348-2300. Thank you.

Operator: \_\_\_\_\_ Time Sent: \_\_\_\_\_ Batch ID: \_\_\_\_\_

PTO/SB/17 (12-04/2)

Approved for use through 07/31/2008. OMB 0651-0032

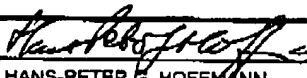
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/734,031
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	December 11, 2003
		First Named Inventor	ROBERT ZACZEK
		Examiner Name	DAMERON LEVEST JONES
		Art Unit	1616
		Attorney Docket No.	BMS-PH-7048-A(C)

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Nonc <input checked="" type="checkbox"/> Other (please identify): <b>DEPOSIT ACCOUNT</b>	
<input checked="" type="checkbox"/> Deposit Account   Deposit Account Number: <b>03-3975</b> Deposit Account Name: <b>Pillsbury Winthrop LLP</b>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description						Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- 20 or HP =		x	=		Fee (\$)		Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)		
- 100 =		/ 50 =	(round up to a whole number) x	=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fee Paid (\$)	
Other (e.g., late filing surcharge): One month extension of time						120.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	37,352
Name (Print/Type)	HANS-PETER G. HOFFMANN	Telephone	203-965-8271
		Date	APRIL 8, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BMS PH-7048 A (C) RESPONSE TO RESTRICTION (Feb 8, 2005) AND AMENDMENT

APR 08 2005

Page 1 of 24

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S):	ZACZEK <i>et al.</i>	GROUP ART UNIT:	1616
APPLICATION SERIAL NO.:	10/734,031	EXAMINER:	JONES, DAMERON Tel.: 703-308-4640
FILING DATE:	December 11, 2003	ATTORNEY DOCKET NO.:	PH-7048A (C)
TITLE OF APPLICATION:	USE OF SMALL MOLECULE RADIOLIGANDS TO DISCOVER INHIBITORS OF AMYLOID-BETA PEPTIDE PRODUCTION AND FOR DIAGNOSTIC IMAGING		

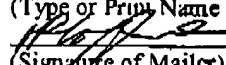
**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9306):

Date: April 8, 2005

Hans-Peter G. Hoffmann

(Type or Print Name of Mailer)

  
(Signature of Mailer)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450)

**RESPONSE TO RESTRICTION REQUIREMENT MAILED FEBRUARY 8, 2005 AND  
PRELIMINARY AMENDMENT**

Sir:

This communication is submitted in response to the communication from the United States Patent and Trademark Office of the above-identified patent application. Applicant elects prosecution of Group V, claims 1-18.

110167681v1

*BMS PH-7048 A (C) RESPONSE TO RESTRICTION (Feb 8, 2005) AND AMENDMENT*

Page 1 of 24

RECEIVED  
CENTRAL FAX CENTER

APR 08 2005

**Location of Specified Sections for Scanning**

<b><u>SECTIONS OF DOCUMENT</u></b>	<b><u>LOCATION OF SECTION</u></b>
<b>I. INTRODUCTORY COMMENTS</b>	<b>Pages 1 – 3</b>
<b>II. AMENDMENTS TO THE CLAIMS</b>	<b>Pages 4 – 21</b>
<b>III. AMENDMENTS TO THE SPECIFICATION</b>	<b>Page 22</b>
AMENDMENTS TO THE DRAWINGS	N/A
<b>IV. REMARKS</b>	<b>Pages 23-24</b>
APPENDIX	N/A

- **Request for Entrance of Response**

Applicants respectfully request that the following amendments be entered, and the remarks set forth below be considered, as responsive to the pending office action in this case, bearing the mailing date of February 8, 2005 ("Restriction Requirement").

- **Requests for Extension/ Fees Due**

The response to the restriction requirement of February 8, 2005 is originally due March 8, 2005. Applicant therefore requests a one-month extension of time up to and including April 8, 2005.. The Commissioner is hereby authorized to charge any fees due in connection with this paper to Deposit Account 03-3975.

- **Format of this Response**

This response is submitted in compliance with the revised format for making amendments to the specification, claims and drawings officially adopted by the USPTO on July 30, 2003, and which is now reflected in 37 C.F.R. §1.121.

If a substitute specification is submitted herein, a clean form and marked-up version are included. Amendments to drawings, if any, are submitted in compliance with 37 C.F.R. §1.84 on replacement sheets as an attachment to this document (with an accompanying detailed

*BMS PH-7048 A (C) RESPONSE TO RESTRICTION (Feb 8, 2005) AND AMENDMENT*

Page 1 of 24

explanation of all of the changes with respect to the drawings made in the remarks section of this amendment).

**AMENDMENT TO THE CLAIMS**

The pending claims 1-77 have been amended prior to examination on the merits. Claims 1, 6, 13, 14, 17, 18, 20-22, 36-44, 42-49, 54-59, 65, 70, and 77. Claims 11, 12, 19, 23-35, 50-53, and 66-69 have been cancelled without prejudice.

▪ **Format of Claim Amendments**

Applicant has amended the claims as indicated below. Pursuant to the revised format to 37 C.F.R. 1.121 adopted by the USPTO in July of 2003, Applicant herein submits only one version of the claims with markings to show changes. A detailed listing of all claims that are, or were in the application, is presented.

▪ **Statement with Respect to Scope of Amended and Non-Amended Claims**

Amendments to, cancellation of, and additions to, the claims are made in order to streamline prosecution of the case to embodiments that are presently anticipated to be of commercial significance, and are not made for a purpose of patentability. Any amendment, cancellation or addition made herein should not be construed in any manner as indicating Applicant's surrender of any subject matter of the application, or surrender of any equivalent to any element asserted in one or more claims. Applicant does not concede that the scope of the claims set forth below fail to extend as far as the original claims. Furthermore, any narrowing which may be evinced with respect to subject matter covered by the claims as a whole, or by one or more claims of the appended claims, when compared to claims previously in the application, should not be interpreted as indicating that Applicant has generally disclaimed the territory between the original claimed subject matter and the amended claimed subject matter. Applicant intends each term of the claims set forth below to be read with respect to the full-breadth of the language of the claims and not to be confined to a strict literal read of amended terms. Amended claims elements are to be construed to include substantial equivalents known to those of ordinary skill in the art. Applicant asserts that the amendments are made without prejudice and reserve all rights to prosecute any canceled claims, and claims preceding any amendment, and other

110167681v1

*BMS PH-7048 A (C) RESPONSE TO RESTRICTION (Feb 8, 2005) AND AMENDMENT*

Page 1 of 24

disclosed (but not presently claimed) embodiments in the application, in future continuation applications, divisional applications, continuation-in-part applications, continuing prosecution applications, requests for continuing examination, re-examination applications and any other application claiming priority from or through the present application.

**COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE  
OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN**